

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DEBORAH GASKE *et al.*,

*

Plaintiffs,

*

v.

*

Civil Case No. 18-2630-JMC

CRABCAKE FACTORY SEAFOOD
HOUSE, LLC *et al.*,

*

Defendants.

*

* * * * *

MEMORANDUM ORDER

Before the Court is Plaintiffs' Motion to Lift Stay as to Defendant Satellite Restaurants, Inc. Crabcake Factory USA ("Satellite"), and request to set a trial date. The Court originally entered an Order staying these proceedings while certain Defendants contemplated the filing of bankruptcy. (ECF No. 101). On October 14, 2020, Defendant Satellite filed a notice of suggestion of bankruptcy. (ECF No. 105). Accordingly, on October 20, 2020, this Court entered a stay as to Satellite, and extended its previous stay as to the remaining Defendants pending their decision on filing bankruptcy and potential events in the bankruptcy court. (ECF No. 107). Ultimately, on March 15, 2021, the Court lifted the stay as to the non-debtor Defendants, but kept the stay as to Satellite in place pending termination of the bankruptcy proceeding. (ECF No. 127).

Discovery was completed as to the remaining Defendants, and dispositive motions practice ensued. Ultimately, on November 15, 2021, the Court granted in part and denied in part Plaintiffs' Motion for Partial Summary Judgement. (ECF No. 154). In the meantime, Satellite's bankruptcy concluded, apparently resulting in the sale of all of Satellite's assets (including its cash and inventory) to a third party, but no formal discharge. (ECF No. 155 at 2). The Bankruptcy Court also apparently granted the purchaser a discharge from any Fair Labor Standards Act successor

liability as part of the sale. *Id.* On October 19, 2021, the Bankruptcy Court dismissed Satellite's bankruptcy proceeding without discharging Satellite, which automatically ended the automatic stay pursuant to 11 U.S.C. § 362(c). (ECF No. 155, Ex. 1).

Because the stay has ended upon the Bankruptcy's dismissal, and without response from Defendant, Plaintiffs' Motion will be granted. Thus, the case will proceed against Defendant Satellite, Defendant Crabcake Factory Seafood House, LLC, and the two individual Defendants.

As for Plaintiffs' request to set a trial date, again without opposition filed, the Court will conduct a conference call with counsel on **January 20, 2022, at 2:00pm** for purposes of setting a trial date and any additional matters of concern to the parties. If that date and time pose an issue, counsel should confer with each other about an alternative mutually-agreeable time to conduct the conference call and alert Chambers.

Accordingly, it is this 13th day of January 2022, hereby **ORDERED**:

1. Plaintiffs' Motion to Lift Stay (ECF No. 155) is **GRANTED**;
2. The stay upon Defendant Satellite (ECF Nos. 107, 127) is **LIFTED**; and,
3. The parties are to conference on January 20, 2022, at 2:00pm on a conference line to be distributed by Chambers via e-mail. Should there be issues with this date and time, the parties are to directly contact and alert Chambers as to a mutually-agreeable time by January 18, 2022, at 4:00pm.

Dated: January 13, 2022

/s/
J. Mark Coulson
United States Magistrate Judge